

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: K. Du et al. Attorney Docket No.: 121532
Application No.: 10/749,473 Art Unit: 2141 / Confirmation No: 3931
Filed: December 31, 2003 Examiner: R.N. Serrao
Title: SYSTEM AND METHOD FOR OBTAINING INFORMATION RELATING
TO AN ITEM OF COMMERCE USING A PORTABLE IMAGING DEVICE

RESPONSE TO FINAL OFFICE ACTION

Seattle, Washington 98101

December 21, 2007

TO THE COMMISSIONER FOR PATENTS:

This paper is responsive to the Office Action mailed October 16, 2007.

I. Introduction

Claims 1-10 and 12-35 are pending in the application and currently stand rejected. The Office Action indicated that applicants' prior arguments were considered and found persuasive, but were moot in view of the newly stated grounds of rejection.

More specifically, Claims 1, 2, 4-10, and 12-35 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Siegel et al., U.S. Patent Application Publication No. 2002/0082931 (hereinafter "Siegel"), in view of Kinjo, U.S. Patent Application Publication No. 2003/0063575 (hereinafter "Kinjo"). Claim 3 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Siegel and Kinjo, and further in view of Fitzsimmons, Jr., U.S. Patent Application Publication No. 2002/0068991 (hereinafter "Fitzsimmons").

Applicants have carefully considered the Office Action and the cited references, and respectfully request reconsideration. The pending claims have not been amended. In short, applicants submit that the references do not support a *prima facie* rejection of the claims under 35 U.S.C. § 103(a). Under Section 103, a *prima facie* case of obviousness is established

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